



Sen. Martin A. Sandoval

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09800SB1354sam002

LRB098 05479 AMC 43619 a

1 AMENDMENT TO SENATE BILL 1354

2 AMENDMENT NO. _____. Amend Senate Bill 1354, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Horse Racing Act of 1975 is
6 amended by adding Section 12.2 as follows:

7 (230 ILCS 5/12.2 new)

8 Sec. 12.2. Business enterprise program.

9 (a) For the purposes of this Section, the terms "minority",
10 "minority owned business", "female", "female owned business",
11 "person with a disability", and "business owned by a person
12 with a disability" have the meaning ascribed to them in the
13 Business Enterprise for Minorities, Females, and Persons with
14 Disabilities Act.

15 (b) The Board shall, by rule, establish goals for the award
16 of contracts by each organization licensee or inter-track

1 wagering licensee to businesses owned by minorities, females,
2 and persons with disabilities, expressed as percentages of an
3 organization licensee's or inter-track wagering licensee's
4 total dollar amount of contracts awarded during each calendar
5 year. Each organization licensee or inter-track wagering
6 licensee must make every effort to meet the goals established
7 by the Board pursuant to this Section. When setting the goals
8 for the award of contracts, the Board shall not include
9 contracts where: (1) licensees are purchasing goods or services
10 from vendors or suppliers or in markets where there are no or a
11 limited number of minority owned businesses, women owned
12 businesses, or businesses owned by persons with disabilities
13 that would be sufficient to satisfy the goal; (2) there are no
14 suppliers licensed by the Board; (3) the licensee or its parent
15 company owns a company that provides the goods or services; or
16 (4) the goods or services are provided to the licensee by a
17 publicly traded company.

18 (c) Each organization licensee or inter-track wagering
19 licensee shall file with the Board an annual report of its
20 utilization of minority owned businesses, female owned
21 businesses, and businesses owned by persons with disabilities
22 during the preceding calendar year. The reports shall include a
23 self-evaluation of the efforts of the organization licensee or
24 inter-track wagering licensee to meet its goals under this
25 Section.

26 (d) The organization licensee or inter-track wagering

1 licensee shall have the right to request a waiver from the
2 requirements of this Section. The Board shall grant the waiver
3 where the organization licensee or inter-track wagering
4 licensee demonstrates that there has been made a good faith
5 effort to comply with the goals for participation by minority
6 owned businesses, female owned businesses, and businesses
7 owned by persons with disabilities.

8 (e) If the Board determines that its goals and policies are
9 not being met by any organization licensee or inter-track
10 wagering licensee, then the Board may:

11 (1) adopt remedies for such violations; and

12 (2) recommend that the organization licensee or
13 inter-track wagering licensee provide additional
14 opportunities for participation by minority owned
15 businesses, female owned businesses, and businesses owned
16 by persons with disabilities; such recommendations may
17 include, but shall not be limited to:

18 (A) assurances of stronger and better focused
19 solicitation efforts to obtain more minority owned
20 businesses, female owned businesses, and businesses
21 owned by persons with disabilities as potential
22 sources of supply;

23 (B) division of job or project requirements, when
24 economically feasible, into tasks or quantities to
25 permit participation of minority owned businesses,
26 female owned businesses, and businesses owned by

1 persons with disabilities;

2 (C) elimination of extended experience or
3 capitalization requirements, when programmatically
4 feasible, to permit participation of minority owned
5 businesses, female owned businesses, and businesses
6 owned by persons with disabilities;

7 (D) identification of specific proposed contracts
8 as particularly attractive or appropriate for
9 participation by minority owned businesses, female
10 owned businesses, and businesses owned by persons with
11 disabilities, such identification to result from and
12 be coupled with the efforts of items (A) through (C);
13 and

14 (E) implementation of regulations established for
15 the use of the sheltered market process.

16 (f) The Board shall file, no later than March 1 of each
17 year, an annual report that shall detail the level of
18 achievement toward the goals specified in this Section over the
19 3 most recent fiscal years. The annual report shall include,
20 but need not be limited to:

21 (1) a summary detailing expenditures subject to the
22 goals, the actual goals specified, and the goals attained
23 by each organization licensee or inter-track wagering
24 licensee;

25 (2) a summary of the number of contracts awarded and
26 the average contract amount by each organization licensee

1 or inter-track wagering licensee;

2 (3) an analysis of the level of overall goal
3 achievement concerning purchases from minority owned
4 businesses, female owned businesses, and businesses owned
5 by persons with disabilities;

6 (4) an analysis of the number of minority owned
7 businesses, female owned businesses, and businesses owned
8 by persons with disabilities that are certified under the
9 program as well as the number of those businesses that
10 received State procurement contracts; and

11 (5) a summary of the number of contracts awarded to
12 businesses with annual gross sales of less than \$1,000,000;
13 of \$1,000,000 or more, but less than \$5,000,000; of
14 \$5,000,000 or more, but less than \$10,000,000; and of
15 \$10,000,000 or more.

16 Section 10. The Riverboat Gambling Act is amended by adding
17 Section 7.6 as follows:

18 (230 ILCS 10/7.6 new)

19 Sec. 7.6. Business enterprise program.

20 (a) For the purposes of this Section, the terms "minority",
21 "minority owned business", "female", "female owned business",
22 "person with a disability", and "business owned by a person
23 with a disability" have the meaning ascribed to them in the
24 Business Enterprise for Minorities, Females, and Persons with

1 Disabilities Act.

2 (b) The Board shall, by rule, establish goals for the award
3 of contracts by each owners licensee to businesses owned by
4 minorities, females, and persons with disabilities, expressed
5 as percentages of an owners licensee's total dollar amount of
6 contracts awarded during each calendar year. Each owners
7 licensee must make every effort to meet the goals established
8 by the Board pursuant to this Section. When setting the goals
9 for the award of contracts, the Board shall not include
10 contracts where: (1) any purchasing mandates would be dependent
11 upon the availability of minority owned businesses, female
12 owned businesses, and businesses owned by persons with
13 disabilities ready, willing, and able with capacity to provide
14 quality goods and services to a gaming operation at reasonable
15 prices; (2) there are no licensed suppliers as defined by this
16 Act for the goods or services provided to the licensee; (3) the
17 licensee or its parent company owns a company that provides the
18 goods or services; or (4) the goods or services are provided to
19 the licensee by a publicly traded company.

20 (c) Each owners licensee shall file with the Board an
21 annual report of its utilization of minority owned businesses,
22 female owned businesses, and businesses owned by persons with
23 disabilities during the preceding calendar year. The reports
24 shall include a self-evaluation of the efforts of the owners
25 licensee to meet its goals under this Section.

26 (d) The owners licensee shall have the right to request a

1 waiver from the requirements of this Section. The Board shall
2 grant the waiver where the owners licensee demonstrates that
3 there has been made a good faith effort to comply with the
4 goals for participation by minority owned businesses, female
5 owned businesses, and businesses owned by persons with
6 disabilities.

7 (e) If the Board determines that its goals and policies are
8 not being met by any owners licensee, then the Board may:

9 (1) adopt remedies for such violations; and

10 (2) recommend that the owners licensee provide
11 additional opportunities for participation by minority
12 owned businesses, female owned businesses, and businesses
13 owned by persons with disabilities; such recommendations
14 may include, but shall not be limited to:

15 (A) assurances of stronger and better focused
16 solicitation efforts to obtain more minority owned
17 businesses, female owned businesses, and businesses
18 owned by persons with disabilities as potential
19 sources of supply;

20 (B) division of job or project requirements, when
21 economically feasible, into tasks or quantities to
22 permit participation of minority owned businesses,
23 female owned businesses, and businesses owned by
24 persons with disabilities;

25 (C) elimination of extended experience or
26 capitalization requirements, when programmatically

1 feasible, to permit participation of minority owned
2 businesses, female owned businesses, and businesses
3 owned by persons with disabilities;

4 (D) identification of specific proposed contracts
5 as particularly attractive or appropriate for
6 participation by minority owned businesses, female
7 owned businesses, and businesses owned by persons with
8 disabilities, such identification to result from and
9 be coupled with the efforts of items (A) through (C);
10 and

11 (E) implementation of regulations established for
12 the use of the sheltered market process.

13 (f) The Board shall file, no later than March 1 of each
14 year, an annual report that shall detail the level of
15 achievement toward the goals specified in this Section over the
16 3 most recent fiscal years. The annual report shall include,
17 but need not be limited to:

18 (1) a summary detailing expenditures subject to the
19 goals, the actual goals specified, and the goals attained
20 by each owners licensee; and

21 (2) an analysis of the level of overall goal
22 achievement concerning purchases from minority owned
23 businesses, female owned businesses, and businesses owned
24 by persons with disabilities.

25 Section 15. The Video Gaming Act is amended by adding

1 Section 28 as follows:

2 (230 ILCS 40/28 new)

3 Sec. 28. Business enterprise program.

4 (a) For the purposes of this Section, the terms "minority",
5 "minority owned business", "female", "female owned business",
6 "person with a disability", and "business owned by a person
7 with a disability" have the meaning ascribed to them in the
8 Business Enterprise for Minorities, Females, and Persons with
9 Disabilities Act.

10 (b) The Board shall, by rule, establish goals for the award
11 of contracts by each licensed establishment, licensed
12 fraternal establishment, licensed veterans establishment, or
13 terminal operator to businesses owned by minorities, females,
14 and persons with disabilities, expressed as percentages of a
15 licensed establishment's, licensed fraternal establishment's,
16 licensed veterans establishment's, or terminal operator's
17 total dollar amount of contracts awarded during each calendar
18 year. Each licensed establishment, licensed fraternal
19 establishment, licensed veterans establishment, or terminal
20 operator must make every effort to meet the goals established
21 by the Board pursuant to this Section. When setting the goals
22 for the award of contracts, the Board shall not include
23 contracts where: (1) licensees are purchasing goods or services
24 from vendors or suppliers or in markets where there are no or a
25 limited number of minority owned businesses, women owned

1 businesses, or businesses owned by persons with disabilities
2 that would be sufficient to satisfy the goal; (2) the licensee
3 or its parent company owns a company that provides goods or
4 services; or (3) the goods and services are provided to the
5 licensee by a publicly traded company.

6 (c) Each licensed establishment, licensed fraternal
7 establishment, licensed veterans establishment, or terminal
8 operator shall file with the Board an annual report of its
9 utilization of minority owned businesses, female owned
10 businesses, and businesses owned by persons with disabilities
11 during the preceding calendar year. The reports shall include a
12 self-evaluation of the efforts of the licensed establishment,
13 licensed fraternal establishment, licensed veterans
14 establishment, or terminal operator to meet its goals under
15 this Section.

16 (d) The licensed establishment, licensed fraternal
17 establishment, licensed veterans establishment, or terminal
18 operator shall have the right to request a waiver from the
19 requirements of this Section. The Board shall grant the waiver
20 where the licensed establishment, licensed fraternal
21 establishment, licensed veterans establishment, or terminal
22 operator demonstrates that there has been made a good faith
23 effort to comply with the goals for participation by minority
24 owned businesses, female owned businesses, and businesses
25 owned by persons with disabilities.

26 (e) If the Board determines that its goals and policies are

1 not being met by any licensed establishment, licensed fraternal
2 establishment, licensed veterans establishment, or terminal
3 operator, then the Board may:

4 (1) adopt remedies for such violations; and

5 (2) recommend that the licensed establishment,
6 licensed fraternal establishment, licensed veterans
7 establishment, or terminal operator provide additional
8 opportunities for participation by minority owned
9 businesses, female owned businesses, and businesses owned
10 by persons with disabilities; such recommendations may
11 include, but shall not be limited to:

12 (A) assurances of stronger and better focused
13 solicitation efforts to obtain more minority owned
14 businesses, female owned businesses, and businesses
15 owned by persons with disabilities as potential
16 sources of supply;

17 (B) division of job or project requirements, when
18 economically feasible, into tasks or quantities to
19 permit participation of minority owned businesses,
20 female owned businesses, and businesses owned by
21 persons with disabilities;

22 (C) elimination of extended experience or
23 capitalization requirements, when programmatically
24 feasible, to permit participation of minority owned
25 businesses, female owned businesses, and businesses
26 owned by persons with disabilities;

1 (D) identification of specific proposed contracts
2 as particularly attractive or appropriate for
3 participation by minority owned businesses, female
4 owned businesses, and businesses owned by persons with
5 disabilities, such identification to result from and
6 be coupled with the efforts of items (A) through (C);
7 and

8 (E) implementation of regulations established for
9 the use of the sheltered market process.

10 (f) The Board shall file, no later than March 1 of each
11 year, an annual report that shall detail the level of
12 achievement toward the goals specified in this Section over the
13 3 most recent fiscal years. The annual report shall include,
14 but need not be limited to:

15 (1) a summary detailing expenditures subject to the
16 goals, the actual goals specified, and the goals attained
17 by each licensed establishment, licensed fraternal
18 establishment, licensed veterans establishment, or
19 terminal operator;

20 (2) a summary of the number of contracts awarded and
21 the average contract amount by each licensed
22 establishment, licensed fraternal establishment, licensed
23 veterans establishment, or terminal operator;

24 (3) an analysis of the level of overall goal
25 achievement concerning purchases from minority owned
26 businesses, female owned businesses, and businesses owned

1 by persons with disabilities;

2 (4) an analysis of the number of minority owned
3 businesses, female owned businesses, and businesses owned
4 by persons with disabilities that are certified under the
5 program as well as the number of those businesses that
6 received State procurement contracts; and

7 (5) a summary of the number of contracts awarded to
8 businesses with annual gross sales of less than \$1,000,000;
9 of \$1,000,000 or more, but less than \$5,000,000; of
10 \$5,000,000 or more, but less than \$10,000,000; and of
11 \$10,000,000 or more.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".